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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,124	01/03/2002	Walter E. Krumm SR.	6811-1	1033

7590 07/12/2004

SHLESINGER, ARKWRIGHT & GARVEY LLP  
3000 SOUTH EADS STREET  
ARLINGTON, VA 22202

EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 07/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/034,124

Applicant(s)

KRUMM ET AL.

Examiner

Frank Vanaman

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*llh*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-15,17-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-7,9-15,17,22 and 24 is/are allowed.
- 6) ☒ Claim(s) 18, 19, 20, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Status of Application**

1. Applicant's amendment, filed April 15, 2004, has been entered in the application. Claims 1, 3-7, 9-15, 17-20, and 22-24 are pending, claims 2, 8, 16, and 21 having been canceled, claims 22-24 having been added.

### **Claim Rejections - 35 USC § 103**

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 18-20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Virnig (US 3,830,387) in view of Gunlock et al. (US 5,378,004). Virnig teaches a cart having a body (20) and a plurality of spaced wheels (38) attached to the body, a partial circular support ring having two portions (74, 76) for engaging an object, which is rotatably attached to the body (through 16, 78, 80, 82), a handle (64) which extends in a transverse direction (i.e., orthogonally) with respect to an extension (54) in a direction away from the wheels, the handle extending away from the support ring (74, 76) and any portions associated therewith, the cart including a lock (88, 90, 91, 92, 94, 95) for restricting movement of the ring portions, which may be selectively engaged and/or disengaged by a user independently of the presence of an element to be supported by the ring; the ring portions each including blocking portions (85) for reducing the effective inner diameter of the ring portions. The reference of Virnig fails to teach the ring portions as a single ring having a flexibility and an open mouth portion. Gunlock et al. teach a cart having a body (26) with a single flexible support ring (610) pivotally mounted (618a, 618b) on the body, and including two end portions (614, 615) between which a mouth is formed, the ring having a center (proximate the center of element 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the dual ring portions of the cart of Virnig with the single flexible ring taught by Gunlock et al. for the purpose of allowing the ring to be used as a band clamp in order to facilitate positive retention of a brake drum under numerous loading conditions. As regards claim 18, the reference to Virnig as modified by Gunlock et al. fails to teach the mouth as being oriented upwardly. It is well known to reorient existing already

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taught elements to further facilitate operation and balancing, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to reorient the opening of the mouth of the support ring of Gunlock et al. to be directed upwardly for the purposes of (a) easy access to the latching elements and (b) to balance the load symmetrically. As regards claim 20, the reference of Virnig as modified by Gunlock et al. fails to teach the block portions as being removably attached to the ring portions, however making an integral element removable for the purpose of reconfiguration is well known in the art, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the block portions (85) removable from the ring portions (e.g., through a screw and threaded aperture connection) for the purpose of allowing reconfiguration of the ring portions. As regards claim 23, the positioning of the mouth in an upward position would render it directly adjacent the swivel points taught by Virnig, with one swivel point being located on either side thereof.

#### **Allowable Subject Matter**

4. Claims 1, 3-7, 9-15, 17, 22 and 24 are allowed.

#### **Response to Arguments**

5. Applicant's comments, filed with the amendment, have been carefully considered. As regards claims 1, 3-7, 9-15, 17, 22 and 24, the examiner agrees that the prior art of record fails to teach each and every limitation as set forth in the claims as applicant has amended them. As regards claims 18-20 and 23, the examiner does not agree that the claims as amended define beyond the combination of the references to Virnig and Gunlock, and notes that while applicant has asserted patentability over these references, in that the combined references "would have taught directly away from Applicant's particularly claimed swivel point, mouth, and opening, which opening faces away from the handle", the references as combined meet the limitations to the breadth that they have been recited in these claims, particularly in view of the positioning of the handle of Virnig, which directed in an opposite direction from the pivotal ring elements,

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and thus is directed away from the pivoting ring portions and any mouth portion formed therebetween

### Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 703-308-0424. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is 703-308-1113.

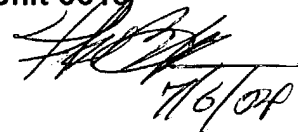
As of May 1, 2003, any response to this action should be mailed to:

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450,

Or faxed to one of the following fax servers:

Regular Communications/Amendments: 703-872-9326  
After Final Amendments: 703-872-9327  
Customer Service Communications: 703-872-9325

**F. VANAMAN**  
**Primary Examiner**  
**Art Unit 3618**



Handwritten signature of F. Vanaman, dated 7/6/04.